

U.S. MAGISTRATE JUDGE

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voluntarily consent thereto. If you consent, you will be waiving any right you may have to a jury trial, sentence and judgment before a United States District Judge.

You also have the right to have at least thirty (30) days to prepare for trial in this case. If you wish to proceed before a Magistrate Judge at this time or at some other time within the thirty (30) day period, you must waive your right to have thirty (30) days to prepare for trial.

In the event you do not wish to proceed before a Magistrate Judge, your case will be referred to a United States District Judge for disposition at a later time.

If you have decided to voluntarily consent to proceed before a Magistrate Judge, sign and date the Consent to Proceed Before the United States Magistrate Judge. By signing this form, you not only give your consent to proceed before a Magistrate Judge, but you also waive your right to trial, sentence and judgment before a United States District Judge.

RIGHT TO PRELIMINARY HEARING

You have the right to a Preliminary Hearing unless:

- (1) the defendant waives the hearing;
- (2) the defendant is indicted;
- (3) the government files an Information under Rule 7(b) charging the defendant with a felony;
- (4) the government files an Information charging the defendant with a misdemeanor; or
- (5) the defendant is charged with a misdemeanor and consents to trial before a magistrate judge.

RIGHT TO BAIL

You have the right to be released on reasonable bail pending trial if you are determined not to be a flight risk or a danger to the community.

ENTRY OF PLEA

You may plead guilty or not guilty to any or all of the charges that have been filed against you in this matter. If you plead not guilty, the government must prove your guilt beyond a reasonable doubt at a trial. If any witnesses are called to testify against you, you have the right to cross-examine those witnesses. You also have the right to present evidence in your defense and you can testify if you want to but you do not have to testify and you cannot be made to testify against your will. If you choose not to testify, the court will draw no inference as to your guilt or innocence because you exercised your right to remain silent.

If you plead guilty, you are admitting all the essential elements against you. There will be no trial and you will give up your right to confront and cross-exam witnesses.

RIGHT TO MAKE MITIGATING STATEMENT

If you plead guilty, you have a right to make a mitigating statement to explain the circumstances that led to your arrest and which might lessen any penalties at sentencing.

THE RIGHT TO APPEAL

In the event you plead not guilty before the Magistrate Judge and are subsequently convicted, you have the right to appeal the conviction to the United States District Court within ten (10) days from the entry of the judgment against you by filing written notice thereof with the Clerk of Court.

I hereby acknowledge that I have read the foregoing statement of rights and fully understand them.

Dated this 6 day of June, 2011.



U.S. Magistrate Judge



Defendant